APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,472	06/19/2003	Lance Peterson	005220.P006	6337

66701   7590   07/07/2009
RED HAT/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
NGUYEN, THUONG

ART UNIT	PAPER NUMBER
2455	

MAIL DATE	DELIVERY MODE
07/07/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/600,472	PETERSON ET AL.
	Examiner	**Art Unit**	
	Thuong (Tina) T. Nguyen	2455	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 June 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-4,7-9,12-14,17-20,23-25,28-30,33-38,57-61</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4,7-9,12-14,17-20,23-25,28-30,33-38 and 57-61</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>6/3/09</u>

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the amendment filed on 6/3/09. Claims 1, 17, 33 &

57 were amended. Claims 5-6, 10-11, 15-16, 21-22, 26-27, 31-32, 39-40 are canceled.

Claims 1-4, 7-9, 12-14, 17-20, 23-25, 28-30, 33-38 & 57-61 are pending and represent

method of modifying a checksuite.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-4, 7-9, 12-14, 17-20, 23-25, 28-30, 33-38 & 57-61 are rejected under 35

U.S.C. 103(a) as being unpatentable over Moulden, Patent No. 2006/0206870 A1 in

view Caswell, Patent No. 5,964,891, and further in view of Jorapur, Patent No.

2003/0204784 A1.

       Moulden teaches the invention substantially as claimed including integrated

computer testing and task management systems (see abstract).

4.   As to claim 1, Moulden teaches a method, comprising:

       the checksuit including one or more individual checks, each check being

configured to monitor a parameter of an operating system or a software program that

runs on an operating system (figure 9; figure 15-16; figure 29; page 3, paragraph 47;

page 4, paragraph 53; page 6, paragraph 72; Moulden discloses that the method of

selecting existing test project or creating a test project or enable the test routine

depends on particular machine); and

editing, by the server computer, the checksuite based on the additional

commands, the editing including at least one of removing an existing individual check

from the checksuite, modifying the existing individual check, or adding a new individual

check to the checksuite (figure 37-38; page 5, paragraph 60 & 65; page 9, paragraph

98; Moulden discloses that the method of modifying attributes of an existing suite or

modifying test suite or adding the new test cases to an existing group);

simultaneously applying the edited checksuite to the first machine, which

includes the first operating system and a second machine that includes the second

operating system, wherein the first machine and the second machine are each one of

the two or more previously selected machines or one or more additional machines

(page 4, paragraph 51 & 53; page 5, paragraph 58; page 6, paragraph 72; page 9,

paragraph 98-100; Moulden discloses that the method of simultaneously running the

modified test suite on selected machines).

But Moulden failed to teach the claim limitation wherein receiving, by a server

computer, commands identifying a checksuite from a web browser; selecting, by the

server computer, the checksuite based on the commands wherein an original version

the checksuite having been applied to two or more previously selected machines having

different operating systems, and wherein subsequent to being applied to the two or

more previously selected machines, the checksuite was customized for a first machine

of the two or more previously selected machines, a customized version of the
checksuite having one or more customizations, the customizations corresponding to
checks that differ from checks in the original version of the checksuite; and receiving, by
the server computer, additional commands for editing the checksuite from the web
browser; and wherein applying the edited checksuit to the first machine preserves the
one or more customizations.

Deleted: editing the checksuite; the checksuite including one or more individual checks, each check being configured to monitor a parameter of an operating system or a software program that runs on an operating system, the checksuite applied to two or more previously selected machines having different operating system, wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system

However, Caswell teaches diagnostic system for a distributed data access
networked system (see abstract). Caswell teaches the limitation wherein receiving, by a
server computer, commands identifying a checksuite from a web browser (figure 4-5;
figure 10 & 12; col 7, lines 20 – col 8, lines 68); and receiving, by the server computer,
additional commands for editing the checksuite from the web browser (figure 10 & 12;
col 9, lines 40 – col 10, lines 57).

It would have been obvious to one of ordinary skill in the art at the time of the
invention to modify Moulden in view of Caswell so that the system would be able to
generate the test routines based on the diagnostic request. One would be motivated to
do so to provide effective customer support of these services.

However, Jorapur teaches system and method for automatic test case
generation (see abstract). Johnson teaches the limitation wherein selecting, by the
server computer, the checksuite based on the commands wherein an original version
the checksuite having been applied to two or more previously selected machines having
different operating systems, and wherein subsequent to being applied to the two or
more previously selected machines, the checksuite was customized for a first machine

Deleted: a

Deleted: received from a web browser

of the two or more previously selected machines, a customized version of the checksuite having one or more customizations, the customizations corresponding to checks that differ from checks in the original version of the checksuite (page , paragraph 7 & 9-10; page 2, paragraph 11-13 & 22); and wherein applying the edited checksuit to the first machine preserves the one or more customizations (page 5, paragraph 40-44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Moulden in view of Johnson so that the system would be able to execute different test routines for different operating system. One would be motivated to do so to reduce loss of reliability or loss of functionality.

5.   As to claim 2, Moulden, Caswell and Jorapur teach the method as recited in claim 1, wherein editing the checksuite further comprises:

adding one or more new individual checks to the checksuite (page 6, paragraph 72; Moulden discloses that the method of adding or specifying the context for suites and test group); and

applying the edited checksuite to the one or more previously selected machines (page 6, paragraph 68; Moulden discloses that the method of activates the test suite once the user complete the process).

6.   As to claim 3, Moulden, Caswell and Jorapur teach the method as recited in claim 2, further comprising:

selecting one or more additional machines to receive the edited checksuite (page 6, paragraph 69; Moulden discloses that the method of selecting the desire test suite); and

applying the edited checksuite to the newly selected machines (page 7,

paragraph 77; Moulden discloses that the method of run the test suite for the selected

machine).

7.   As to claim 4, Moulden, Caswell and Jorapur teach the method as recited in

claim 2, further comprising:

de-selecting at least one of the one or more machines previously selected (page

6, paragraph 72; Moulden discloses that the method of deleting and modifying the

selected test suite); and

removing the edited checksuite from the deselected machines (page 5,

paragraph 66; Moulden discloses that the method of removing the selected test suite

form the machine).

8.   As to claim 7, Moulden, Caswell and Jorapur teach the method as recited in

claim 1, wherein editing the checksuite further comprises:

deleting one or more individual checks from the checksuite (page 5, paragraph

63; Moulden discloses that the method of deleting the selected test case from the test

suite); and

applying the edited checksuite to the one or more previously selected machines

(page 9, paragraph 95; Moulden discloses that the method of run the test suite for the

selected machine).

9.   As to claim 12, Moulden, Caswell and Jorapur teach the method as recited in

claim 1, wherein editing the checksuite further comprises:

modifying one or more individual checks within the checksuite (page 9,

paragraph 98; Moulden discloses that the method of modifying the test case within the

test suite or test group); and

applying the edited checksuite to the one or more previously selected machines

(page 7, paragraph 77; Moulden discloses that the method of activate the test suite from

the selected machine).

10.   As to claim 34, Moulden, Caswell and Jorapur teach the method as recited in

claim 33, wherein saving the changes made to the selected checksuite (page 6,

paragraph 68; Moulden discloses that the method of saving the changes for the test

suite).

But Moulden and Jorapur failed to teach the claim limitation wherein receiving

changes made to the selected checksuite; receiving a request to save the changes

made to the selected checksuite.

However, Caswell teaches the limitation wherein receiving changes made to the

selected checksuite (figure 4-5); receiving a request to save the changes made to the

selected checksuite (col 8, lines 55-68).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the combination of Moulden and Jorapur in view of Caswell so that

the system would be able to response to the request from the client. One would be

motivated to do so to issue the request and confirm the response for the particular

requests.

11.   As to claim 35, Moulden, Caswell and Jorapur teach the method as recited in

claim 33, wherein editing the checksuite further comprises:

        adding the new individual checks to the selected checksuite (page 6, paragraph

72; Moulden discloses that the method of adding or specifying the context for suites and

test group);

        saving the selected checksuite as modified (page 6, paragraph 68; Moulden

discloses that the method of saving the changes for the test suite); and

        applying the modified checksuite to the one or more previously selected

machines (page 6, paragraph 68; Moulden discloses that the method of activates the

test suite once the user complete the process).

        But Moulden and Jorapur failed to teach the claim limitation wherein receiving

new individual checks.

        However, Caswell teaches the limitation wherein receiving new individual checks

(col 7, lines 21-30).

        It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the combination of Moulden and Jorapur in view of Caswell so that

the system would be able to response to the request from the client. One would be

motivated to do so to issue the request and confirm the response for the particular

requests.

12.   As to claim 36, Moulden, Caswell and Jorapur teach the method as recited in

claim 33, wherein editing the checksuite further comprises:

selecting the requested one or more individual checks (figure 9; figure 15-16; figure 29; page 3, paragraph 47; Moulden discloses that the method of selecting existing test project or creating a test project);

deleting the selected one or more individual checks (page 5, paragraph 63; Moulden discloses that the method of deleting the selected test case from the test suite);

saving the modified checksuite (page 6, paragraph 68; Moulden discloses that the method of saving the changes for the test suite); and

applying the modified checksuite to the one or more machines previously selected (page 6, paragraph 68; Moulden discloses that the method of activates the test suite once the user complete the process).

But Moulden and Jorapur failed to teach the claim limitation wherein receiving a request to select one or more of the individual checks; receiving a request the delete the selected one or more individual checks; receiving a request to save the checksuite as modified.

However, Caswell teaches the limitation wherein receiving a request to select one or more of the individual checks (figure 4-5); receiving a request the delete the selected one or more individual checks (figure 12); receiving a request to save the checksuite as modified (col 9, lines 40-68).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Moulden and Jorapur in view of Caswell so that the system would be able to response to the request from the client. One would be

motivated to do so to issue the request and confirm the response for the particular

requests.

13.   As to claim 37, Moulden, Caswell and Jorapur teach the method as recited in

claim 33, wherein editing the checksuite further comprises:

selecting the one or more requested individual checks (figure 9; figure 15-16;

figure 29; page 3, paragraph 47; Moulden discloses that the method of selecting

existing test project or creating a test project);

saving the one or more modified individual checks (page 6, paragraph 68;

Moulden discloses that the method of saving the changes for the test suite).

But Moulden and Jorapur failed to teach the claim limitation wherein receiving a

request to select one or more individual checks within the checksuite; receiving a

modification of at least one parameter of the one or more selected individual checks;

receiving a request to save the one or more individual checks as modified.

However, Caswell teaches the limitation wherein receiving a request to select

one or more individual checks within the checksuite (figure 4-5); receiving a modification

of at least one parameter of the one or more selected individual checks (figure 12);

receiving a request to save the one or more individual checks as modified (col 9, lines

40-68).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the combination of Moulden and Jorapur in view of Caswell so that

the system would be able to response to the request from the client. One would be

motivated to do so to issue the request and confirm the response for the particular requests.

14.   As to claim 38, Moulden, Caswell and Jorapur teach the method as recited in claim 37, wherein applying the checksuite containing the one or more modified individual checks to the one or more previously selected machines (page 6, paragraph 68; Moulden discloses that the method of activates the test suite once the user complete the process).

But Moulden and Jorapur failed to teach the claim limitation wherein receiving a request to apply the checksuite containing the one or more modified individual checks to the one or more previously selected machines.

However, Caswell teaches the limitation wherein receiving a request to apply the checksuite containing the one or more modified individual checks to the one or more previously selected machines (col 8, lines 55-68).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Moulden and Jorapur in view of Caswell so that the system would be able to process corresponding requests for the test script. One would be motivated to monitoring server processes in a client-server system.

15.   As to claim 58, Moulden, Caswell and Jorapur teach an apparatus as recited in claim 57, wherein the instructions cause the processor to edit the checksuite by performing at least one of adding one or more new individual checks to the checksuite, deleting one or more individual checks from the checksuite, or modifying one or more

individual checks within the checksuite (page 6, paragraph 72; Moulden discloses that
the apparatus of adding or specifying the context for suites and test group).

16.   Claims 17, 33 & 57 disclose a method, machine-readable and apparatus claims
and do not teach or define any new limitations above claim 1 and therefore are rejected
for similar reasons.

17.   Claims 8-9; 13-14; 19-20; 24-25; 29-30; 61-60 disclose a method, machine-
readable medium and apparatus claims and do not teach or define any new limitations
above claims 3-4 and therefore are rejected for similar reasons.

18.   Claims 18, 59 disclose a method and apparatus claims and do not teach or
define any new limitations above claim 2 and therefore are rejected for similar reasons.

19.   Claim 23 disclose a machine-readable claim and do not teach or define any new
limitations above claim 7 and therefore are rejected for similar reasons.

20.   Claim 28 disclose a machine-readable claim and do not teach or define any new
limitations above claim 12 and therefore are rejected for similar reasons.

Response to Arguments

Applicant's arguments with respect to claims 1, 17, 33 & 57 have been considered but
are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thuong (Tina) T. Nguyen whose telephone number is

571-272-3864, and the fax number is 571-273-3864. The examiner can normally be

reached on 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Thuong (Tina) T Nguyen/
Examiner, Art Unit 2455

/saleh najjar/
Supervisory Patent Examiner, Art Unit 2455